

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William J. Martini
v. : Criminal No. 10-485
RONALD OTTAVIANO, et al. : ORDER

This matter having come before the Court on the pretrial motions of defendants Ronald Ottaviano, *pro se*, Michael Balice (Joseph Donahue, Esq., appearing), Harriet Foster (Gary Cutler, Esq., appearing), Wilson Calle (Richard Verde, Esq.), and Angel Done (Alex Booth, Esq., appearing) for an order: seeking suppression of all of the evidence obtained through six search warrants; seeking dismissal of the Superseding Indictment based on violations of the Speedy Trial Act; seeking a bill of particulars; precluding the Government from adducing evidence that the defendants defrauded their customers; precluding the Government from offering evidence about the relationship between defendant Ottaviano and a Mid-Atlantic customer; seeking suppression of statements made by defendant Ottaviano to Special Agents Rodeschin and Scrivanich; and precluding the Government from arguing that the jury should convict the defendants to “send a message;” and Paul J. Fishman, United States Attorney for the District of New Jersey (by Lee Vartan and Christopher Kelly, Assistant U.S. Attorneys), having opposed defendants’ pretrial motions and filed two motions pursuant to Fed. R. Evid. R. 404(b) seeking admission of evidence concerning meetings between defendants Ottaviano and Balice and the Internal Revenue Service’s civil arm, as well as the federal income tax filing histories of defendants Ottaviano, Balice, and Foster:

WHEREAS the defendants submitted briefs in support of their various pretrial

motions and briefs opposing the Government's 404(b) motions;

WHEREAS the Government submitted briefs in support of its 404(b) motions and briefs opposing the defendants' pretrial motions;

WHEREAS the Court considered those briefs and heard oral argument on the motions on April 15, 2011;

IT IS ORDERED that the motion to suppress the evidence obtained through the six search warrants [Docket #50] is DENIED;

IT IS FURTHER ORDERED that the motion to dismiss the Superseding Indictment based on violations of the Speedy Trial Act [Docket #92] is DENIED;

IT IS FURTHER ORDERED that the motion seeking a bill of particulars [Docket #122] is DENIED;

IT IS FURTHER ORDERED that the motion seeking to preclude the Government from adducing evidence that the defendants defrauded their customers [Docket #112] is DENIED;

IT IS FURTHER ORDERED that the motion seeking to preclude the Government from offering evidence about the relationship between defendant Ottaviano and a Mid-Atlantic customer [Docket #112] is DENIED as moot;

IT IS FURTHER ORDERED that the motion seeking to preclude the Government from arguing that the jury should convict the defendants to "send a message" [Docket #112] is DENIED as moot;

IT IS FURTHER ORDERED that the Court will reserve its decision on the motion seeking to suppress defendant Ottaviano's statements to Special Agents Rodeschin and

Scrivanich [Docket #112];

IT IS FURTHER ORDERED that the Court will reserve its decision on the Government's two 404(b) motions [Docket #105 and #125];

IT IS FURTHER ORDERED that the Government shall disclose to defendants all *Jencks* material and *Giglio* material on May 13, 2011;

IT IS FURTHER ORDERED that the parties shall provide the Court with their proposed jury instructions, *voir dire* questions, and statement of the case on or before May 13, 2011;

IT IS FURTHER ORDERED that a status conference will be held on May 18, 2011 at 10 a.m.; and

IT IS FURTHER ORDERED that the trial of this matter is scheduled for May 24, 2011 at 9 a.m.



HON. WILLIAM J. MARTINI
United States District Judge